

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

LISA MARIE MONTGOMERY,)	
)	
Petitioner,)	
)	
v.)	Case No. 2:21-cv-00020-JPH-DLP
)	
WARDEN OF USP TERRE HAUTE, IN.,)	
<i>et al.</i> ,)	
)	
Respondents.)	

EXHIBIT J
JANUARY 7, 2021 LETTER FROM K. HENRY

OFFICE OF THE
FEDERAL PUBLIC DEFENDER
MIDDLE DISTRICT OF TENNESSEE

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JANUARY 7, 2021

Jeffrey Rosen
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Director, Federal Bureau of Prisons
320 First Street, NW
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T. J. Watson
Warden, Federal Correctional Complex Terre Haute
4700 Bureau Road South
Terre Haute, IN 47802

Dear Sirs,

On behalf of Lisa Montgomery, we write to ask you to withdraw Mrs. Montgomery's January 12, 2021 execution date. As you are aware, Mrs. Montgomery is severely mentally ill. We have a legal and ethical obligation to evaluate Mrs. Montgomery's current mental state to determine the existence of any potential Eighth Amendment claims. 18 U.S.C. § 3599 requires us to pursue all legal claims on Mrs. Montgomery's behalf. Because of the pandemic, we cannot discharge our constitutional and statutory duties at this time. Two of us already contracted COVID-19 in the course of our representation and are now subject to reinfection if this execution moves forward.

As you know there is an outbreak of COVID-19 in Terre Haute specifically, as well as at FMC Carswell. Our expert witnesses, who have a baseline understanding of Mrs. Montgomery's mental functioning and are in the best position to assess her current functioning given their history with her are unable to evaluate Mrs. Montgomery due to travel restrictions imposed by their institutional employers as well as personal medical factors.

Thank you for taking the time to read our letter. We look forward to your response by Noon, January 8, 2021.

Respectfully,

Kelley J. Henry

Amy D. Harwell

Lisa G. Nouri

Counsel for Lisa Montgomery